**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.13865 of 2007**

**Dt:29.06.2007**

Between:

Learnium School.

.. Petitioner

and

Joint Transport Commissioner and another.

.. Respondents

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.13865 OF 2007**

**ORDER:**

The vehicle of the petitioner bearing No.AP09V5899 was seized on 15.06.2007, on the ground that the petitioner failed to produce the necessary documents in relation to it and that the permit was misused. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 15.06.2007, issued by the 2nd respondent, discloses that the petitioner did not produce Driving Licence, I.C., and

proof of F.C. and payment of tax and that the permit was misused. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that-

a) the vehicle of the petitioner, bearing No.AP09V5899, shall be released to it, on depositing a sum of Rs.5,000/- (Rupees Five Thousand Only) and tax, if any, and;

b) the petitioner shall also furnish an undertaking to the effect that it shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized

and that it shall produce the vehicle as and when required.

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**29.06.2007**

Note: Issue operative portion of the order by wire at party's costs.

(B/o)

**JSU**